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THE
EMPEROR'S
COMMISSORIAL
DECREE

To the DIET of the
States of the Empire,

Assembled at
FRANCFORT,

Dated the 11th of this Month :

Directing the PROTESTS of the Queen of
HUNGARY to be expunged from their
Records.

WITH
A PREFACE,
Shewing the Importance of this DECREE.

L O N D O N:
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THE
NEW YORK
COMMISSIONERS
OF THE LAND OFFICE
OFFICE

To the Honorable
The Board of the Land Office
New York
I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the purchase of the land of the State of New York, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

Very respectfully,
J. R. F. A. C.

Witness the hand of the Commissioner of the Land Office, this 10th day of January, 1861.

JOHN R. F. A. C.
Commissioner of the Land Office



T H E
P R E F A C E.

THE Design of this extrarordinary Decree is not either more or less than to engage the Empire in a formal Declaration against the Queen of *Hungary*, which without all doubt is intended to support more vigorous Measures, perhaps to be made the handle for assembling what is sometimes called a Neutral, sometimes an Imperial Army ; and which, whatever it may be called, is most certainly designed to do what the

French Armies could not do, that is, bringing all the Princes and States of the Empire under the absolute Dominion of a *Gallicized* Emperor.

In order to apprehend the Matter rightly, we must enter a little into the History of this Controversy, when the *Austrians* had beat M. *Broglie* out of *Bavaria*, and the Allies had defeated M. *Noailles* at the Battle of *Dettingen*, the *French* King found it high time to send for his Troops back into his own Country; but as the *French* never will allow that they run away, his most Christian Majesty's Minister to the Diet at *Frankfort*, M. *de la Noué*, delivered a kind of Memorial, in which he sets forth the Reasons of his Master's withdrawing his Auxiliaries, adding that it was expected at the same time that the Auxiliaries of the Queen of *Hungary* should withdraw too.

Her *Hungarian* Majesty's Ministers perceiving the Design of this Memorial, thought proper

proper to draw up the Paper dated 23d of *September* 1743, which gave occasion to all this Dispute, and engaged the new Elector of *Mentz*, in vertue of his Office as Chancellor of the Empire, to transmit this Contra-Memorial with the Protests annexed to the publick Dictature of the Diet of the Empire, in order to convince the Princes and States of the *German* Empire, that the Queen of *Hungary* and her Auxiliaries remained armed with no other view than to support the true Interest of *Germany* against such as would sacrifice them to the ambitious Designs of *France*.

It was natural to suppose, that this would alarm the Emperor and his Party ; and therefore there very soon appeared a warm Rescript from the Emperor, in which this Paper was complained of in the strongest Terms, and no Pains were spared to rouse all the Princes and States of the Empire against the Queen of *Hungary* ; who, on the other hand defended herself by several vigorous Writings ; at last when the Design of the Imperial Court began,

gan more plainly to appear, his Britannick Majesty by his Letter of the 23d of *October* 1743, took the pains to explain the whole Matter in the clearest and most friendly Terms possible to his Imperial Majesty, in hopes by this gentle Method to have engaged the Emperor to have let this Matter fall. On the other hand, the King of *Prussia* wrote and publish'd a Letter upon the same Occasion; wherein he appears to consider this Matter in the same light with the Emperor, but affects to make use of harsher, stronger, and more violent Terms. The Elector of *Mentx* is also said to have written in his own Justification; but of this we can say nothing, because hitherto it has not appeared.

The Emperor, not contented with causing a long, and very well drawn Justification of his Proceedings to be published in *German* and *French*, soon after sent abroad a very long and laboured Answer to his Britannick Majesty's Letter; but what must appear extraordinary,

dinary, and even astonishing, this Letter is
 dated the 22d of *November* 1743, and before
 he could possibly know what Effect it would
 have upon the King, he transmits this furious
 Decree to the Dictature of the Diet at *Franc-*
fort, by which it plainly appears, that as he
 has already drawn the Sword, he is now ready
 to throw away the Scabbard. For if the Diet
 in Compliance with this Decree should not
 only cancel and expunge the Queen of *Hun-*
gary's Memorial and Protest, but should also
 address a strong Remonstrance to his Imperial
 Majesty, requesting him to support his and
 their Authority, there can be nothing plainer
 or more manifest, than that this is intended
 to colour the assembling an Imperial Army ;
 and what tallies exactly with our Conjecture,
 the same Mail that brought us this Paper
 brought us Advice that the Emperor is re-
 mounting his Cavalry, recruiting his Infantry,
 and as he lately made a grand Promotion of
 General Officers, so he has now declared that
 he intends a considerable Augmentation of his
 Forces. Neither is it at all improbable that
 the

the Bridges which the *French* have lately thrown over the *Rhine*, and the Works constructed on the other Side of that River, may be intended to send over a great Body of Troops to join these Imperial Forces, or perhaps another formidable Army to act in Conjunction with them. But this, Time which reveals all Things, must explain.



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Beacet Committeneel

DE SA

MAJESTE IMPERIALE

Tout a la DISCRETION de la

DIE TTE

le 11 de ce Mois, 1791

Decret Commissienel

D E S A

MAJESTE IMPERIALE,

Portè a la DICTATURE de la

D I E T T E,

Le 11 de ce Mois, &c.

THE
Commifforial Decree
OF HIS
IMPERIAL MAJESTY,

Transmitted to the DICTATURE of the

Diet of the Empire,

On the 11th of this Month, &c.



Decret Commissienel

D E

S. M. IMPERIALE,

Porte à la DICTATURE de la

D I E T T E.

IL est universellement connu, que S. M. Impériale, aujourd'huy Regnante, a été unanimement éluë par les Electeurs; conformément à l'ancienne coûtume; qu'elle en a été-choisie, pour être le Chef Suprême de l'Empire, & qu'elle a été aussitôt reconuë en cette qualité par toutes les Puissances Etrangères, ainsi que de tout l'Empire Romain, & de ses fidèles Etats, qui en ont démontré une Satisfaction generale.

Personne n'ignore, qu'aussitôt que S. M. Imp. eut commencé son glorieux Regne, elle avoit invité auprès de soi tous les Etats,
pour



THE
COMMISSORIAL DECREE
OF
His IMPERIAL MAJESTY,

Transmitted to the DICTATURE of the

DIET of the EMPIRE.

IT is universally known, that his Imperial Majesty now reigning has been unanimously chosen by the Electors, conformable to the ancient Custom; that he was chosen to be the supreme Head of the Empire; and that he has been also acknowledged in that Quality by all Foreign Powers, as well as by the whole *Roman* Empire, and all his faithful States, who have shewn thereat the most general Satisfaction.

Nobody can be ignorant, that immediately after his Imperial Majesty had begun his glorious Reign, he invited to him all the
States

pour s'assembler en Diette à Francfort, afin d'y affermir la confiance, qu'il doit être entre le Chef Suprême, & les Membres de l'Empire ; & que pour s'y conformer, les Electeurs, Princes & Etats de l'Empire y ont envoié au grand contentement de S. M. Imp. leurs tres illustres Conseillers, Ambassadeurs & Envoyez, qui jusqu'icy ne se lassent pas de deliberer, en grande Union, des matietes qui concernent l'Empire.

Cependant il a paru un Ecrit rempli d'expressions les plus rudes, accompagné d'autres pieces, avec une soit disante protestation, de certains Ministres, dont la Cour ne reconnoit ni S. Imp. ni la Diette presente de l'Empire, & qui par cette raison ne sont admissibles en aucune façon ; les ont produites, & ensuite portées a la Dictature publique de la Diette, sous la date du 23 Septembre de l'année courante, & dans les quelles il est déclaré, qu'on ne reconnoissoit pas sa Dignité Impériale en la Personne de S. M. Imp. en declarant nulle l'Election qui en a été faite unanimement ;

States in order to their assembling in a General Diet at *Francfort*, thereby to strengthen that Confidence which ever ought to reign between the supreme Head and Members of the Empire ; and to confirm which, the Electors, Princes and States of the Empire, sent thither, to the great Satisfaction of his Imperial Majesty, their most illustrious Counsellors, Ambassadors and Envoys, who to this very Day have never ceased to deliberate with great Unanimity on Matters relating to the Empire.

Notwithstanding this, a certain Writing has appeared full of harsh Expressions, accompanied by certain other Pieces ; and, amongst the rest, one which wears the Form of a Protest of certain Ministers, whose Court neither acknowledges his Imperial Majesty, nor the present Diet of the Empire, and who for that Reason are not admissable in any manner ; yet they have been produced, and afterwards transmitted to the Publick Dictature of the Diet, under the Date of the 23d of *September* of the current Year ; and in which it is declared, that they do not acknowledge the Imperial Dignity, by declaring null the Election, which has been unanimously made, and
wherein

unanimement ; & qui nomme la Diette présente de l'Empire ; prétendue assemblée ; & illegitime tout ce qui s'y traite, ou s'y conclut pour nul, & de nulle valeur, & cela d'une maniere la plus pressante, & jusqu'ici inconnue & inusitée, dans les annales de l'Empire.

Par ceci les Electeurs, Princes, & Etats du St. Empire Romain, peuvent connoître que la Dignité suprême de S. Imp. de même, que les Prerogatives, Privileges les Immunités & l'honneur de l'Empire, sont sensiblement lésés, & qu'on ne tend qu'à sapper sa constitution fondamentale ; en contredisant la qualité du Chef suprême en pleine Diette ; ainsi que la legalité de l'assemblée de l'Empire, en osant en pleine face, lui déclarer par une Dictateur publique, qu'on la tient pour une Diette prétendue, illégitime, & invalide, à laquelle, il ne se pouvoit rien conclure de valable ; comme s'il dépendoit d'un unique Co-Etat, qui ne reconnoît ni le Chef suprême, ni l'Assemblée des Etats de l'Empire, de priver la Diette de son activité ; prétendant qu'elle la prenne de lui ; Et ceci resteroit pour un monument éternel à la Postérité, parmi les actes de l'Empire ?

Etant

wherein the present Diet of the Empire is styled a pretended and illegal Assembly, declaring all therein treated or concluded null and of no value, and this in the strongest Manner and in Terms hitherto unknown, and unused in the Records of the Empire.

The Electors, Princes, and States of the Holy *Roman* Empire must by this be convinced, that the supreme Dignity of his Imperial Majesty, as well as the Prerogatives, Privileges, Immunities, and Honour of the Empire are sensibly wounded ; and that it hath no other Tendency than to sap its fundamental Constitution by questioning the Quality of its supreme Head in a full Diet, as well as the Legality of the Assembly of the Empire, by daring in its Face to declare by its publick Dictature, that they hold it for a pretended illegal and invalid Diet, wherein there can be nothing lawfully concluded as if it depended upon any single Co-Estate which acknowledges neither the supreme Head nor the Assembly of the States of the Empire to deprive the Diet of its Activity by pretending not to own it, and shall this remain as an eternal Monument to Posterity among the Acts of the Empire ?

Etant une chose qui contredit toute raison ; ne pas reconnoître le Chef suprême, de l'Empire, & de la Diette, & cépendant porter à la Dictature de la même Diette, & exiger qu'on en soit reçu & placé dans ses Actes.

On n'oseroit prétendre de la plus basse Instance, une pareille énormité, par laquelle on attaqueroit d'une manière si intolérable sa Legalité ; sans qu'elle s'en réssentit, & encore bien moins d'en exiger, qu'elle placât dans ses actes un Document qui tendit à sa honte, & à sa prostitution.

S. M. Imp. par son Equité naturelle seroit bien éloignée, de limiter ou d'empêcher à un Co-état de l'Empire la voie de protestation permise à un chacun, pourvû qu'elle se fas en des termes modérez & décens, pour le maintien & la conservation de ses Droits. Il ne sauroit échaper à la pénétration des Electeurs, Princes & Etats, combien ce mentionné procedé s'éloigne de la voie d'une Protestation permise, qui au lieu de se tenir dans les limites d'une
simple

Being as it is a Thing directly repugnant to all Reason, not to acknowledge the supreme Head of the Empire, and of the Diet, and notwithstanding to transmit this to the Dictature of the same Diet, and to expect that it should be received and placed amongst its Acts.

They dare not so much as pretend even to the lowest Instance of any such Enormity, by which they have attacked in a manner so intolerable its Legality, without its resenting it, much less exacting, that it should place amongst its Acts a Document tending so directly to its Shame and Prostitution.

His Imperial Majesty, from his natural Equity, is very far from limiting or restraining any Co-Estate of the Empire, in that manner of protesting which is permitted to each State, provided it be conceived in moderate and decent Terms proper for maintaining and supporting of its Rights. It cannot escape the Penetration of the Electors, Princes, and States, to what degree the before-mention'd Proceeding exceeds the Measure of a legal Protest, which instead of containing its self

simple Réſervation, pour maintenir ſon Droit prétendu, ſ'émancipe, en des expreſſions les plus indécentes, d'attaquer la Dignité, & Ma- jeſté du Chef Suprême, ainſi que la Gran- deur, l'Honneur, l'Autorité, & Prérogative de tout l'Empire, aſſemblé en Diette.

S. M. Imp. ſe trouvant obligée en vertu de la Dignité Suprême, & celle de l'Empire, ainſi que de ſa Gloire, ſa Grandeur & ſes Pré- rogatives contre toutes atteintes.

Elle ne ſauroit régarder ces pieces, dont il a été fait mention ci-deſſus, que ſur le pié de nulle yaleur, & indignes de la Dictature, & elle a une confiance indubitable & paternelle dans les Electeurs, Princes & Etats, qu'ils en- viſageront du même œil en bons Patriotes Germains leſdites Pieces, qui tendent à l'avi- liſſement de la Glorie de tout l'Empire Ro- main ; & les rejetteront des Actſ de l'Empire, les déclareront *pro non Dictatis*, & ne tarde- ront pas à les biſſer ; & adreſſeront à S. M. Imp. un vigoureux avis, par lequel la Dignité & l'Autorité du Chef Suprême de l'Empire,

ſes

within the Limits of a simple Reservation for the Maintenance of its pretended Right runs out into the most indecent Expressions, attacking the Dignity and Majesty of the supreme Head as well as the Grandeur, Honour, Authority and Prerogative of the whole Empire assembled in the Diet.

His Imperial Majesty finding himself obliged to support the supreme Dignity, and that of the Empire as well as his Glory, Grandeur and Prerogatives against all Attacks.

He cannot help regarding these Pieces which have been before-mention'd on the Foot of Things invalid and unworthy of the Dictature ; and he has that paternal and indubitable Confidence in the Electors, Princes and States, to suppose that they will see in the same Light as good *German* Patriots, the said Pieces which tend to villify the Glory of the whole *Roman* Empire, and reject them from the Acts of the Empire, declaring them *pro non Dictatis*, and will not hesitate at causing them to be expunged, and addressing to his Imperial Majesty a vigorous Remonstrance by which the Dignity and Authority
of

ses Loix universelles & la Constitution fondamentale soient mises en sureté une fois pour toutes, contre de semblables & intolerables atteintes.

Franckfort, le 11 Decembre, 1743.

ALEXANDER Prince de la Tour & Tassis,

F I N.



(23)

of the supreme Head of the Empire, and
universal Laws and fundamental Constitution
may be placed in Surety once for all against
such like intolerable Attacks.

Francfort, Dec. 11, 1743.

ALEXANDER *Prince of Tour and Taxis.*

T H E E N D.



of the Supreme Court of the Empire, and
university laws and regulations
may be placed in direct order of all
such like interests.

For the President
(Alexander H. Smith, D.D.)

1888

